

REMARKS

Claims 1, 2, 5-17 and 23-48 have been examined. Claims 1, 2, 5, 9-12, 24-25, 27-28, 31-35, 41 and 45-47 have been amended, claims 4, 18-23, 26, 36-40 and 43-44 have been canceled and new claim 3 has been reintroduced in order to provide proper antecedent basis for claim 5. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 USC §101

Claims 32-40 have been rejected under 35 USC §101 as being directed toward non-statutory subject matter. Claims 32 to 35 have been amended and claims 36 to 40 have been cancelled. The amended claims now relate to statutory subject matter, at least because of the introduction of the data storage system and the server system in claim 32.

Claim Rejections - 35 USC §112

Claims 36-40 have been rejected under 35 USC §112, second paragraph. Claims 36 to 40 have been cancelled. Accordingly this ground of rejection is moot.

Claim Rejections - 35 USC §102

Claims 1, 2, 5-11, 23-32 and 34-40 have been rejected under 35 USC §102(e) as being anticipated by Sommerer. The rejection of claim 1 will first be addressed.

As now amended, claim 1 includes a feature of:

searching the data storage system to match the received search query to a search query corresponding to at least one search trail to identify at least one related search trail stored on the data storage system

In the Office Action, the Examiner objected that this feature is disclosed in paragraph [0058] of Sommerer. However, in the Sommerer system, the search is performed on the resource pages of the browser session – that is, the search is for content on a web page.

The present invention as claimed in claim 1 is concerned with determining a related search trail based upon the previous search queries. This is important because even though a query term supplied to a search engine returns a particular web page, it is not always the case that the returned web page contains the query term. In the system of Sommerer if the page does not contain the term, it will not be found by the search performed. In the present invention, it is enough that a query was previously made that contained the term. The Applicant submits that the nature of the search through previous search queries is of a fundamentally different character than that of a search of resource pages. In particular, the search of claim 1 looks specifically to the intent of the user in characterising a result – that of Sommerer looks to the content of the page. Hence, claim 1 is distinguishable for at least this reason.

Additionally, claim 1 has been amended to include:

the search trails resulting from search queries from a same user and other users.

In the previous Office Action, the Examiner referred to paragraph [0095] of Sommerer. The only part of that paragraph that appears to deal with ‘other users’ is the statement that ‘[s]aved sequences may also be emailed (e.g., by attachment) to other users’.

However, emailing saved sequences does not achieve the result of the present invention as claimed in claim 1. More specifically, claim 1 allows for searching the data storage system to match the received search query to a search corresponding to at least one search trail to identify at least one related search trail stored on the server. This mechanism allows for presenting search results to the client based upon the at least one related search trail. This is a fundamentally different mechanism from that disclosed in [0095] of Sommerer, which does not provide for searching of search trails from the same user and other users, nor for presenting search results based upon the results of the search.

Finally, as amended, claim 1 recites:

providing a data storage system on a server storing a plurality of search trails.

A distinction can be drawn between Sommerer ‘400 and claim 1 based upon where data is stored. Sommerer ‘400 is directed toward local storage of data collected. In particular, although Sommerer does contemplate that a computer implementing that invention may work in a

networked environment (See paragraph [0108]), there is no teaching that search trails would be stored at a server and relate to search queries from a same user and other users.

Importantly Sommerer does not teach or suggest storing a plurality of search trails. Sommerer [0052]-[0055] does use an example of a search to show how their visit data structure is built. However, this is just an illustrative example of how their system remembers a user's browsing behaviour - the example could have easily been another type of browsing behaviour: shopping, reading news articles etc. The Sommerer system is generic when it comes to recording client-side behaviour and lacks the ability to precisely determine a search trail from any other group of sites accessed by the user. Thus the system taught by Sommerer will slavishly record all details (login, credit card etc) as well as ordinary browsing history and search data. There is no teaching or suggestion of storing a plurality of search trails for later use as claimed.

The features claimed in claim 1 provide particular advantages which are not able to be obtained using systems such as those disclosed in the cited art searching tools. For example, a website which compiles an index based on web crawling will only index pages which are accessible via following conventional links and will not index pages excluded by use of a robots.txt file. However, the method of claim 1 permits the storage of search trails which include pages not accessible to automated web crawling methods because they are pages discovered by a user following a series of links after a web search not by an automated process. Moreover, the fact that certain pages are present in a number of similar searches by multiple users or are repeatedly used by a single user following a similar search trail, will indicate a page is frequently used following particular search query not merely that it can be accessed via that search query.

Since such features are clearly not present in the Sommerer reference, claim 1 as now amended is distinguishable and in condition for allowance. Claims 2, 5-11, 24, 25 and 27-31 depend from claim 1 and are distinguishable for at least the same reasons.

Further, with particular regard to claim 5, the Office Action indicates that the feature of 'locating form objects in an object model of content served to a client; and adding a routine to each form object to enable interception of the completed form object upon submission" is disclosed in paragraph [0077] of Sommerer. Applicants disagree. This paragraph

in Sommerer discloses actions that are taken in response to an event being triggered or accompanied by a web search query. The paragraph does not disclose the step of locating form objects in an object model of content served to a client. The paragraph also does not disclose adding a routine to each form object. Paragraph [0077] further fails to disclose the claimed mechanism by which detection of submission of a query occurs. Hence, claim 5 is distinguishable for this additional reason.

Claim 7 is directed to locating all form objects in a document object model of content served to a client once a DocumentComplete event occurs. There is no reference to a DocumentComplete event occurring in either paragraph [0046] or [0047] identified by the Examiner. Hence, claim 7 is further distinguishable over Sommerer.

As now amended, claim 32 claims a system in a communications network for presenting search results to a client based upon a search query. The system includes both a data storage system for storing a plurality of search trails, and a server system programmed to provide a trail searcher for searching the data storage system to match the received search query to a search corresponding to at least one search trail to identify at least one related search trail stored on the server. Importantly, the search trails result from search queries from a same user and other users.

As previously described in connection with independent claim 1, the Sommerer patent fails to describe such limitations. At a minimum, the Sommerer reference clearly fails to teach the use of search trails that result from search queries from a same user and other users. Hence, claim 32 is distinguishable over the cited art for at least the reasons previously recited in connection with independent claim 1. Claims 34 and 35 depend from claim 32 and are distinguishable for at least the same reasons.

Claim Rejections - 35 USC §103

Claims 12-16 have been rejected under 35 USC § 103(a) as being unpatentable over Sommerer '400 in view of Ingrassia. This rejection is respectfully traversed.

As discussed above, Sommerer is directed to local storage, whereas claims 12-16 are directed toward server storage and relate to search queries from a same user and other users.

Although Ingrassia teaches reporting activities, along with a URL, there is no disclosure of storing search trails resulting from a same user and other users.

For example, Sommerer '400 only describes sharing of search trail information in the prescribed and limited way explained in paragraph [0095]. Ingrassia teaches monitoring user activities, but does not motivate the user of the data storage system to match the received search query to a search corresponding to at least one search trail to identify at least one related search trail stored on the server. Hence, claims 12-16 are distinguishable over Sommerer and Ingrassia.

Claim 17 has been rejected as being unpatentable over Sommerer '400 in view of Sommerer '407. Claim 17 depends from claim 1. Since the Sommerer '407 reference does not rectify the deficiencies of Sommerer '400 discussed above, claim 17 is distinguishable and in condition for allowance.

Claims 33, 41 to 48 have been rejected as being unpatentable over Sommerer in view of Eyal (US 2004/0167890). Claim 33 depends from claim 1 and claims 41-48 depend from claim 32 which are distinguishable over Sommerer for at least the reasons previously described. The Eyal reference also fails to teach these limitations. For example, in making this rejection, the Examiner relies upon [0042] of Eyal. This paragraph of Eyal is directed to a user-interface module that prompts a user to input a request for media playback. The user interface module receives the request, which converts the request into a form suitable for a number of search engines. The search module contains pre-stored instructions for converting requests to network queries.

In contrast, claim 34 includes the feature of an adapter manager for maintaining an adapter table of known search command formats for a plurality of search engines. Also, claim 34 has been amended to clarify that the adapter table is for identifying which search query parameters are entered by a user. This differs from Eyal which directly receives the search query parameters entered by the user, then translates these into a form appropriate for sending to the search engine. With claim 34, a search query having a number of parameters in a form that is appropriate for a search engine is analysed to identify the search query parameters entered by the user. Claims 41-48 which depend from claim 32 are distinguishable for similar reasons.

Appl. No. 10/597,236
Amdt. dated September 1, 2010
Reply to Office Action of March 1, 2010

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/darin j gibby/
Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
DJG/cl
62853803 v1